THE HON'BLE SRI JUSTICE C.V. RAMULU

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W.P.No.18702 of 1998

Dated: 25-07-2005

Between:

The Commissioner, Adoni Municpality,

Adoni, Kurnool District.

Petitioner…

And

P.Narayanaswamy,

S/o.P.Hanumanthu, aged about 26 years

Ex-NMR, C/o.Raghavender Reddy,

Advocate, H.No.7-105/1, Madhurangar,

Dilsukhnagar, Hyderabad and another.

Respondents…

ORDER:

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This writ petition is filed by the Commissioner, Adoni Municipality, Adoni, Kurnool District being aggrieved by the award dated 23-02-1998 in I.D.No.3 of 1995 passed by the Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court, (for short 'the Labour Court') Ananthapur.

The 1st respondent-workman being aggrieved by the oral termination of his

services by the petitioner herein filed a claim petition under Section 2-A (2) of the Industrial Disputes Act, before the 2nd respondent, Industrial Tribunal, Ananthapur and the same was taken on file as I.D.No.3 of 1995. After examining the rival contentions and the material placed on record, the Labour Court came to the conclusion that the oral termination of the
workman from the services of the petitioner is in violation of the provisions of Section 25F of the Industrial Disputes Act and as such directed reinstatement of the workman into service with full backwages and continuity of service. Aggrieved by the same, the present writ petition is filed by the management.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and also perused the award passed by the Labour Court and other material made available on record.

At the out set, I am of the considered opinion that the Labour Court has not committed any error or infirmity, calling for interference of this Court under Article 226 of the Constitution of India. Admittedly the services of the workman terminated without following the provisions of Section 25F of the Act, though the workman had put in more than 240 days of service preceding the date of his termination. The petitioner management except saying that he was only temporarily NMR worker, no further facts were disputed before the Labour Court. The oral termination of the workman was with effect from 28-03-1994, immediately thereafter, without loss of time, the workman had approached the Labour Court and filed the I.D.No.3 of 1995 and the same was considered on merits. In view of the fact that there was no delay caused by the workman in approaching the Labour Court and in view of the fact that the termination was in gross violation of the provisions of Section 25F of the Industrial Disputes Act awarding full backwages and continuity of service cannot be said to be either arbitrary or illegal.

The writ petition is devoid of merit and liable to be dismissed. Accordingly the writ petition is dismissed.
No order as to costs.

C.V. RAMULU, J

Dated: 25-07-2005

LSK